

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**OLUWAKEMI ADEWOL, KEISHA
JACKSON, and JEMILAT SULEIMAN on
behalf of themselves and all others similarly
situated,**

Plaintiffs,

v.

**FRICKENSCHMIDT FOODS, LLC and
WICKED CUTZ, LLC,**

Defendants.

Case No. 4:22-cv-00254-NCC

**DEFENDANT FRICKENSCHMIDT FOODS, LLC’S
MOTION TO DISMISS FIRST AMENDED CLASS ACTION COMPLAINT
AND STRIKE ALLEGATIONS OR, IN THE ALTERNATIVE,
MOTION FOR A MORE DEFINITE STATEMENT**

Comes Now, Defendant Frickenschmidt Foods, LLC (hereinafter “Frickenschmidt”), by and through its undersigned attorneys, moves this Court to dismiss Plaintiffs’ First Amended Class Action Complaint, in its entirety, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) because all of Plaintiffs’ claims are preempted by federal law; because several of their induvial causes of action fail as a matter of law for additional reasons; and because they lack standing to pursue their request for injunctive relief.

Frickenschmidt also moves under Federal Rules of Civil Procedure 12(f) to strike the first sentence of paragraph 1 of the First Amended Class Action Complaint (Doc. 5), and paragraphs 19-30 in the “Facts” section in their entirety. Alternatively, Frickenschmidt moves under Federal Rule Civil Procedure 12(e) for a more definite statement of Plaintiffs’ claims because Plaintiffs’ failure to plead with specificity prevents Frickenschmidt from constructing its answer and

affirmative defenses. The grounds for this Motion are set forth in Frickenschmidt's Memorandum of Law in support of this motion filed contemporaneously herewith and is incorporated herein by reference.

WHEREFORE, Defendant Frickenschmidt Foods, LLC respectfully moves this Court to enter an Order dismissing Plaintiffs' First Amended Class Action Complaint, with prejudice.

Respectfully submitted,

/s/ David C. Berwin

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CERTIFICATE OF SERVICE

I certify that on this 6th day of June, 2022 the foregoing instrument was electronically filed with the Courts CM/ECF/PACER system, which will send electronic filing to all attorneys of record.

/s/ David C. Berwin